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# Federalism Constraints and Opportunity In Pakistan

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*Full Length Research Paper***Federalism constraints and opportunity in Pakistan****Azmat Ali Shah**

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**This paper made an effort to examine the constitutional fundamentals of federalism in Pakistan. Its focal point is on the major constitutional developments made in Pakistan for the promotion of federalism, by examining the problems faced by federalism. This is because of the fact that the federal form of government is more proper for those societies which are diverse in nature. A greater part of the societies in Pakistan consist of diverse ethnic, cultural and linguistic groups. If the mixture of these groups is not combined by a viable political system, the endurance of the particular society may be at risk.**

**Key words:** Federalism, Pakistan, constitutional development, problems.

**INTRODUCTION**

The creation of Pakistan in August 1947 was a solitary event in the latest history of the world. This is because Pakistan consisted of two separate localities having different geographies (East and West Wings). The East Wing was not only culturally a single political unit, but also had absolute majority of the country's population, while the West Wing had no linguistic unity. It consisted of three full federating units, that is, Punjab, Sindh, NWFP (now KPK) and the Chief Commissioner's Province, British Baluchistan (Baluchistan). Ten princely states (Bahawal, Pur, Haripur, Kalat, Lasbela, Makran, Dir, Amb, Swat and Chitral) and frontier tribal areas were also affiliated with the West Wing. On the terms of the area, East Pakistan was only approximately one fifth of the West Wing; so framers of the constitution faced such intricate circumstances. Framers of the constitution, from the outset, tried to adapt the federal formula but this probe proved to be more complicated. Makers of the constitution tried to resolve political disorder by using various alternatives, but crisis regenerated tremendously.

The first 9 years of freedom were spent to develop an approved formula and the result was the 1956 constitution. It was organized on the basis of affiliated provinces and princely states of West Pakistan into one unit and equality with West Pakistan at the centre. Two

years later, in October 1958, Martial was enforced by Ayub Khan partly to preserve this pattern of federalism, and later on, he integrated these principles in the constitution of 1962. After Ayub's collapse in March 1969, his descendant, General Mohammad Yahya Khan, eliminated both principles.

Pakistan was then left to investigate new principles of federalism which landed it in the most horrible crisis of her history. After the partition of East Pakistan, the federal trouble has lost much of its force, but it is still a fragile matter. Before the creation of Pakistan, Muslim League shouldered the right of provincial self governance and federalism as an agent for safeguard and development of Muslim's interests. Afterwards, when the Muslim League Indian National Congress, Pukhtoon Khudai Khidmatgar movement, and the political parties insisted upon the organization of separate homeland for the Muslim of South Asia, it envisioned the federal system for the new Muslim State, while scrutinizing self governance for the federating units.

Quaid-e-Azam Mohammad Ali Jinnah readmitted his idea of federalism in an interview in November 1945, when he said that the idea of Pakistan to make sure that the federating units of the national government would have complete right of self governance could be found

in the USA constitution, Canada and Australia. He added that some important powers will be handed over to the federal government, likewise the financial system, national defence and federal responsibilities (Newmen and Karil, 1980). The embracement of the federal system in Pakistan was actually as a result of consciousness on the part of its leadership (Pirzada, 1986). One of the very significant occasions in the country's life in the formation of a constitution is the past affray accomplishment issues and contentions, which have been crystallized, clarified and depicted in a constitutional agreement.

The constitution is a pragmatic machinery of the government and it is also a philosophy for the politicians. Simultaneously, the constitution symbolizes the ambitions and objectives of the whole nation, whose representation powers are distributed between the federal government which stands for the entire country and the federating units, that is, the provinces. This system is called federalism. The current functional government is a federal type of government, although un-uniform and diverged societies are better governed through federalism. In fact, many countries of the world are formed by various ethnic, cultural, racial and linguistic groups. These diverged groups are required to be united through a feasible political setup, otherwise these specific societies may collapse.

Two sets of subjects are stipulated in the federal form of the political set up, that is, federal and provincial. Generally, the con-current list used to be the third list in the form of government. Both the centre and federating units can legislate upon the subjects supplied in the concurrent list. However, the central government has domination in case some dissimilarity occurs between the centre and federating units over the exercise of powers. The Federal constitution is the fountain head for the powers of both the governments. Their authority emanate from the federal constitution (Hussain, 1994: 1), although there was complete agreement on the fabrication of the federal system in Pakistan. Yet, the grave situation developed which halted the evolution of a federal set up. The federal form of government was the only suitable solution which could unite the diverged society and develop greater concord and reciprocity among the component units.

The same national diversity put an effect over the last part of independence movement. These scattered, social and local groups started to surface their demands of acknowledgement and accommodation in new constitutional and political set up. Post Pakistan era was embedded with increasing stress over the nationalities like Sindhi, Balochi, Pukhtoon, Bengali and Punjabi, beside regional and sectarian beliefs. These national and ethnic identities and feelings were the source of disharmony and it hurdled from the evolution of the federal political set up.

Pakistan aimed at founding a federation in a way that the state organizations were capable of undertaking rules

in an efficient mode, and the spirit of belonging to one nation state was broadly shared, as giving managerial, political and monetary independence to the constituent units for looking after their limited and regional affairs. It was a demanding duty because most problems pose difficulty for constitution making. These are related to the administrative and political dealings in the immediate environment after the effects of freedom, that is, the trouble of setting up an administrative system for the new state against the environment of violence and confusion that accompanied the separation and a severe safety threat from India. The geographical and organizational customs and the provincial diversities made the task of making a federation quite difficult. Furthermore, the problem of leadership and political management disregarded the democratic models and incapability of the political heads to quickly develop an agreement on the characteristics and operational norms of the polity, which proved to be complicated.

### Primary governmental complications

Pakistan summons undertake the hard task of creating a state arrangement at the same time with the organization of a federal and participatory structure for the feelings of nationhood. Pakistan was thus connected in 2 processes (state and nation building) at once. State building involves the formation and deliberation of power and an emphasis on the position of government in societal process, while nation building particularly in states with a number of sub national groups, often calls for distribution of power and an emphasis on awareness in the political process (Hussain, 1994: 34).

States where several number of nations inhibit, to achieve harmony among different social groups in those states require thriving techniques. It has loomed as the strong point of federalism and it has also become a philosophy of successful politics. Likewise, federalism has deemed it as an important source to harmonize the dissimilar societies of Pakistan, which are composed of various ethnic and linguistic groups. All the constitutional political discourses, since inception are engrossed with the question of federalism. Federalism became so vital on the political scenario due to increasing stress by all the component units in order to secure their interests against the federal government by possessing enough constitutional authority with regard to carrying out their executive and financial affairs (Rounaq, 1972: 3).

Though, the British government did not make enough arrangement for the accomplishment of people's requirement, it laid the foundation for more provincial right of self governance. All India Muslim Leagues emphasized on complete provincial self governance in May, 1924 in the Annual session. Residuary powers must be awarded to provinces in order to decide extravagant bail wick of the federal government in federating units; suggested by the Quaid-e-Azam Mohammad Ali Jinnah for constitutional



preparation.

The same demand for federalism by giving full self governance and providing residuary powers for the component units were the basic points of Quaid's fourteen points, which he presented in response to Nehru report in 1928. Quaid-e-Azam Mohammed Ali Jinnah also demanded the extermination of Diarchy in component units (Ahmed and Rashid, 1984). The foremost task that Pakistan faced immediately after the partition was the setting up of a central government with effective administrative machinery. The provincial government was also to reorganize and a new regional set up was to be established in Dhaka. The task was made hard due to a severe deficiency of trained manpower, particularly officers, for putting together the new administrative set up. On the economic front too, the picture was not so clear. Economically, the territories that were included in Pakistan lagged behind as compared to Indian territories, generally due to policies of the British Indian Government.

Pakistan at the moment of freedom virtually possessed no major industrial unit, but had only few commercial banks, none of which had their head offices situated in Pakistan territory. Furthermore, the problem of refugees and their rehabilitation caused extra economic and administrative trouble (Pawl, 1952). The main efforts and assets were diverted to tackle this issue. The condition worsened due to the aggressive approach of India.

The extremist Indian elements could not settle themselves to the idea of separation. They exploited every occasion to build pressure on Pakistan. The beginning years of Pakistan were marred by serious troubles with India, such as distribution of assets, the delivery of armed forces equipment, disposition of property distribution of canal waters and armed forces threat to Pakistan's safety and integrity. Thus, in the early years of freedom, interior consolidation and protection against exterior danger became the main consideration for Pakistan. The emphasis was on the state building which involved the organization of strong state apparatus, powerful center and strong military defense. While this was going on, the government had to start nation building between the people of the state and the desperate inhabitants with strong nomad elements against the backup of the ravages of division. So, state and nation building had to be undertaken simultaneously, but the latter was often neglected for the sake of the former. The making of the constitution and participatory organizations and procedures were neglected.

In a plural culture, federalism seemed to be the only possible instrument used to accommodate the conflicting forces of harmony and diversity. Although, these forces must be quite balanced to uphold a federal system, in a society where severe racial, cultural, social and monetary differences are present, the federal system balance rarely remains constant because dissimilar forces keep on building pressures and tensions on the working political system. In practice, the federal system tends to fluctuate titling towards centralization which, as a result, produces

the issue of centralization.

In Pakistan's federal model, we briefly examined other factors which encouraged regionalism in Pakistan and affected federalism.

### **Differences between East and West Pakistan**

The federation of Pakistan consisted of 2 territorial units divided from each other by nearly one thousand miles of Indian region (Banerjee, 1969). This geographical distribution of the state was solitary and unique in many ways. Furthermore, the territorial, physical, feature, population, social, cultural and linguistical design of everything was dissimilar between these two diverse parts. In spite of the modern ways of communication, the significance of geographic contiguity between the component units in a federation is forever recognized. It very much increases the capacity of the country to work as a central union, while this is not the issue determining the outcome. Citizens living in a similar physical environment and in neighboring territories tend to learn how to accommodate each other. Regular contacts or similar physical environment help them to build an ordinary approach towards solving their general problems (Akhter, 1958). Long geographical distance between these parts further aggravated the communication possibilities of collective inter communication at public level as well as in governmental level. Consequently, trust deficit and distrust developed.

Traveling by air between the 2- wings was difficult and expensive, in that not many people could afford it. Thus, traveling between the 2- wings was fairly limited, particularly at the informal stage. Given the price of the air travel, most of these tours were official, semi official or business. The poor and hard transportation and communication between the 2- wings not only made it complex to build up joint relevance, but also unfavorably affected political and financial activities trade, and movement of labor, thereby contributing to socio-economic disparities.

These categories were fragile in West Pakistani management. The factor contributed largely towards the lack of frequent approach to be adopted for settling various constitutional matters.

### **Monetary differences**

Sharp economic differences among different component units impede the smooth functioning of federalism in Pakistan, to the federal government that remained under pressure because of the growing economic gulf among the 2 parts of the state. The poor or shabby transportation system between the two parts proved to be a hurdle in smooth communication. It not only halted the promotion of collective pertinence, but also severely affected political and fiscal activities. It also put a bad effect over commerce and trade, and transition of labor which helps the socio-economic difference.

The Bengali leaders and economists, however, attributed this to the policies adopted by the center and maintained that in the early years of freedom, the financial differences among the 2 parts were not that wide, but these enlarged with time as a result of the inequitable policies of the federal government. The matters of monetary disparities were increased by the members of the constitution assembly in a variety of discussions. The breakdown of the central government to convince the leaders from East Pakistan on the inequality objections caused much hostility in East Pakistan (Jalal, 1997). After liberty, efforts were made to enhance Bengali contribution in services division; however, the inherited inequality continuously contributed mostly to the growing isolation of East Pakistan.

### Differences within the Western areas

There were huge economic dissimilarities too, which existed between two component units of Pakistan. East Pakistan had to face economic loss and was maximized with the passage of time. Economic experts of the West Wing ascribed the underdevelopment of the East Wing to colonial legacy in general and to geographic and metrological circumstances of that area in particular. The Western area consisted of 3 provinces [Sindh, NWFP (Khyber Pukhtoon Khwa) and Punjab], Baluchistan as an extraordinary organizational unit, tribal areas (FATA) and the princely states.

The princely states of Pakistan during the forties consisted of Bahawalpur, Khairpur, Dir Swat, Amb, Chital, Kalat Lasbela, Makran and Kharan. These states were unpagged and also proclaimed their agreement to Pakistan, but the government of Pakistan was not managerially in position to take the power of this state. Indian troop marched into Junagadh and took over the whole place. The aforementioned states functioned as organizational units dissimilar from provinces. The states in Baluchistan (that is, Kalat, Lasbela, Kharan and Makran) were clustered together under the ruler of karat. These were incorporated into West Pakistan in 1955, while their rulers retained some benefits and Swat, Chitral and Amb retained their identities until 1969.

The most important matters and difficulties included the rehabilitation of the arriving refugees with different administrative units ranging from provinces to princely states, tribal areas and Baluchistan as a unique administrative unit, and local, racial and linguistic diversity and differences in the stage of socio-economic growth in diverse constituent units of West Pakistan. Baluchistan, which Pakistan inherited, consisted of British Baluchistan and huge tribal areas, in addition to the states of Makran, Kharan, Lasbela and Kalat. All these countries were combined into a single Baluchistan State Union in the fifties. During the time under study, Baluchistan was not a full-fledged territory. It was dissimilar from other

provinces, administered by a mediator to the governor general. Sindh was a part of Bombay province till 1935. At the time of declaring Sindh as a separate province and nominating Karachi as its capital, Muslims formed a clear majority in the newly created province.

The Sindhi language and the people have a strong cultural and historical heritage. The Sindhi people are explained as wedded to these and are very conscious of their different cultures and linguistic identities. Trade and industry was particularly controlled by the Hindus in urban areas. Moreover, the rural area was also controlled by the Hindu feudal lords, and there were some Muslim feudals. On the other hand, the largest majority of Muslim was peasants, land-less tenants and manual workers. Feudalism was very strong in Sindh. Federalism remained a constant feature of Sindhi political leadership even after the independence and it withstood any change which put an interrogative sign over their dominance.

Immediately, after the creation of Pakistan, installation of a huge number of refugees created many problems as well as socio-economic tension. Most of the refugees belong to the urban region, entrusting themselves largely in the business and industrial sector. As a result, refugees held a complete control over the industrial and business activities. Afterwards, some Punjabi also adopted business as their profession. Other castes, that is, Sindhi, Pukhtoon and Baloch which were already backward in these fields were further driven to the wall and it provided them ground to complaint. National solidarity was badly affected by these dissimilarities. Baluchistan was extremely contrasting with regard to language and culture.

The Baloch belt comprised Kharan, Makran, Sibi and Chaghi districts. However, Quetta, Pishin, Zhob and Loralai Districts were inhibited with Pushtoon, whereas Barohi speaking people too had an extensive ratio in the total population of Baluchistan. At large, it was the tribal communities which were controlled by the tribal chiefs. People were usually immersed in their heroic personality. Baluchistan was the most backward region of the Western Wing (Now Pakistan). Agriculture was the main source of livelihood and industries almost did not exist there. Basic facilities of life were non-existent in that part of Pakistan, and even daily needs of human beings, like pure drinking water, was not easily accessible.

The province of NWFP (now KPK) due to its tactical position got vital status in the subcontinent before and after the inception of Pakistan. Under the British rule, it was the part of Punjab till 1901 (The Census of Pakistan, 1951). After freedom, the Muslim members of civil services of India, chosen from Pakistan, were mainly Punjabi and Urdu speaking refugees. Out of the total (133) executives, only one was a Bengali Muslim (Zaidi, 1997).

Social, political and economic aspects of life were controlled by the Pathan community in that province, which was the distinct racial tribal community that was

made. Nevertheless, it contracted the Baloch tribalism. The Pathan untribalism did not accept the authority of any individual like Baloch people. Pathan tribal system was basically against the dictatorial leadership. Instinctively, Pathans are free spirited people. The idea of racial cultural unification has long been an iconic complication. Regarding political alliance of all tribal groups, either in Afghanistan or Iran probably, Pushtoon have universally specifically divided ancestry philosophy on the splendid design, connoted not only in written pedigree but also in particular geographical arrangement (Zaidi, 1997: 244).

A segment of Pushtun leadership in connection with the congress party demanded a separate state for themselves. The khudias khidmatgar were in authority at the province level in 1947. Despite their opposition, the Muslim league won a referendum in 1947, where the majority of the voters in NWFP voted for joining Pakistan (Safder, 1979).

The most condensed and advanced part of the country was Punjab. Quaid-e- Azam Mohammad Ali Jinnah, declared Punjab as the corner stone of Pakistan, owing to its huge Muslim population and tactical location. Rigorous educational system had already developed in Punjab at the time of creation of Pakistan. Punjab was also embedded with large number of expertise and skillful staff and personnel. Blacksmith, Masons, potters and tanners had some conventional skills, which were easily promoted to an admirable magnitude. Punjab is basically an agricultural and rural type of community. Moreover, after 1875 Punjab became the main army enlisting province. This greatly helped the economy of the province, and as a result, the communication and irrigation system of the province was proven to a great extent (The Constituent Assembly of Pakistan Debates, 1949; Safder, 1984: 44-45). The death of Jinnah just after one year of freedom deprived the country of a charismatic leadership, which was a uniting force for the communities separated by geography, ethnicity and language. His leadership, many a time, facilitated the nation to determine the differences. His death generated a space which could not be accomplished afterwards. The leadership that followed did not show the political sagacity and wisdom which could keep the nation united.

### Main constitutional problems

The associations are created to work out dissimilarity and accommodate diversities in an equally suitable and mutually supporting constitutional structure, given Pakistan's strange geographic nature, ethnic and linguistic diversity, political and governmental growth. As regards communal service and a strong wish on the part of the areas to protect their local cultural identities, there was no substitute to federalism. Pakistan's first constituent assembly was shaped out in 1948 out of the central government of British India in 1946 by regional

assemblies on the principle of separate electorate.

Objectives Resolution was the first stride towards the formation of the constitution. It was adopted in March 1949; and it contained chief principles of the constitution. It was categorically announced in the resolution that regions which were already encompassed in or affiliated to Pakistan and such other areas which might accede to Pakistan shall constitute a federation (Islam, 1990). There was no alternative to federalism, due to the geographic non contiguity among the East and West Pakistanis, and the racial linguistic and cultural diversities. Therefore, even with many controversies on the constitution's making, all constitutional drafts suggested a federal type of government for Pakistan. The Basic Principles Committee was set up to consider the features of future constitution in the light of the principle laid down in the Objectives Resolution. The Basic Principles Committee consisted of twenty four members of whom only 7 were taken from East Pakistan, which is the most crowded province of Pakistan. It is once more worthy to declare here that some East Pakistan's representatives in this committee and its sub-committees, such as Dr. Ishtiaq Hussain Qureshi, Dr. Mehmood Hussain and Liaquat Ali Khan were non-Bengali members selected from East Pakistan (The Basic Principles Committee Report, 1952). So, the true representation of Bengali people in these committees was very limited. The most important problems concerning different aspects of federation were addressed in a variety of statements given by the BPC as shown subsequently.

### Representation

The problem of representation of the 2-wings in the central legislature caused much delay in forming of the constitution. The leaders of the 2-wings of Pakistan took a number of years to agree on a formula for regional representation in national legislature. The East Pakistan management which tended to recognize West Pakistan provinces as a single unit with Punjab as the manipulating force demanded that the representation in both houses of legislature should be on the basis of population. West Pakistan, particularly Punjabi leadership, sighted this demand as a negation of the central principle. They demanded the representation of all federating component units at least in the superior house on equality basis.

They freighted that if the demand of East Pakistan was acknowledged, it would mean (numerically) that East Pakistan is over West Pakistan. The disagreement over the matter forced Liaquat Ali Khan to remove the first statement of the Basic Principles Committee.

The initial statement of the Basic Principles Committee, released in 1950, was offered for a bicameral legislature House of Units (superior house) and the House of equivalent representation. In the House of Units, all the



provinces were given equal population representation. Nevertheless, the composition of the house was not explained. The 2 houses were given balance powers and in case of disagreement, the matter was referred to the joint meeting of the parliament (Khalid, 1980). The majority members of the Constituent Assembly from East Pakistan opposed the principle of equality for representation in the central legislature. They declared that the principle of uniformity would deprive them of the benefit of their numerical power (The Daily News Paper, "The Pakistan Time", 1952, 1953; Razia, 1995).

On the other hand, the leaders from Punjab thought otherwise. They observed the principle of equivalence in both houses as the negation of federalism (Choudhury, 1969). They felt that by making a coalition with smaller provinces of Pakistan, East Pakistan could govern the center. They insisted that the representation of the House of Units should be on the basis of parity in federating units, and the House of people on the basis of population, but in smaller provinces of West Pakistan, the response was not favorable. On December 30, 1952 in a session, the chief minister of NWFP (Khyber Pukhtoon Khwa) and other leaders conversed favorably about the statement (Choudhury, 1969: 876). Since no agreement was developed on the suggestions of the Basic principles Committee Report, the Prime Minister withdrew the statement in January, 1953 for review. Nazimddin was changed by Muhammad Ali Bogra as the Prime Minister in April 1953, who took up the duty of constitution making. A new boost was presented to the Constituent Assembly in October 1953, which was labeled as the Bogra Formula and it dealt with the representation problem in the following ways:

1. A bicameral legislature composed of 2-houses: the House of Units (Upper House) and that of the people (Lower House) should be established.
2. The entire number in the House of Units should be fifty and should be divided equally between the component units in the following way (Choudhury, 1988):

- A) East Pakistan (Ten)
- B) Punjab (Ten)
- C) North West Frontier Province (Ten)
- D) Frontier States and Tribal Areas (Ten)
- E) Sindh and Khairpur State (Ten)
- F) Baluchistan including Baluchistan:

- (i) States and Union (Three)
- (ii) Capital (Karachi) (Three)
- (iii) Bahawalpur State (Four)

3. In the House of People, East Pakistan was given representation than all the federating units located in West Pakistan. However, the distribution of seats in the House of People was as follows (Choudhury, 1988):

- A) East Pakistan (One hundred and sixty five)

- B) Punjab (Seventy five)
  - C) (i) N W F P (Thirteen)  
(ii) Frontier States Tribal Areas (Eleven)
  - D) (i) Sindh (Nineteen)  
(ii) State of Khairpur (One)
  - E) (i) Baluchistan (Three)  
(ii) Baluchistan (Two)  
(iii) Capital of Federation (Four)  
(iv) Bahawalpur State (Seven)
- The total number of seats was three hundred.

4. Both houses were given the same powers.

In case of disagreement, the issue was to be settled in combined conference of both houses. The interesting characteristic of the scheme was that where the 2 houses held a joint session, there was equality in representation, that is, 175 members from each of the 2 wings. A protection was proposed that any vote in a combined session must include at least 30% votes from each wing (Choudhury, 1988: 76-77). The Muhammad Ali Formula was condemned by the political leaders, but was acknowledged as the basis of the new Constituent Assembly, which was liquefied by the Governor General in the forties, after which a new Constituent Assembly took up the duty of forming the constitution in mid 1955. The new Constituent Assembly resolved the representation problem by integrating the 3 provinces and other managerial units into an integrated province of West Pakistan on September 30, 1955. This meant that Pakistan had 2 federating units, that is, East and West Pakistan. They were provided representation in a unicameral legislature-National Assembly on the basis of uniformity in 1956.

### Regional sovereignty

Another matter which captured the awareness of the constitution creators for long was the question of provincial sovereignty. Although a common agreement was reached on the federal form of government under the Objective Resolution in 1949, the duty of developing agreement over the question of distribution of powers among the center and provinces proved to be very difficult. As such, sharp diversities erupted soon after the publication of the first statement of BPC (Basic Principal Committee) between those who demanded utmost regional self-rule with a weak center and those who sponsored a strong center with provinces delegated with a limited sovereignty.

The approvals of the first BPC report on division of powers among centers and provinces were similar to the provisions of the Government of India Act (1935), which provided 3 lists: central, regional and concurrent. The central list enclosed 67 subjects, while the provincial list had 35 subjects, and the concurrent list consisted of 37 subjects over which both centers and provinces could

legislate (The daily News Paper "Dawn", 1950). The residuary authorities were assigned to the center. The suggested formula for allocation of powers gave all the significant powers to the center, especially the powers of exercising duty. The statement was not well received in provinces mainly in East Pakistan due to its inclination towards the central power. Most political leaders from East Pakistan declared that the proposed division of powers would twist the state into a unitary form of government. They apprehended that the statement aimed at holding the country in political as well as financial bondage, and it is an attempt to cripple the province of East Pakistan and turn it virtually to a colony of West Pakistan worse than that of the imperial Britain of France (Inam, 1982).

An all Parties' meeting, held in November 1950, demanded the provincial independence on the basis of Pakistan Resolution in 1940. The conference asked for the organization of provincial governments having absolute autonomy in all subjects apart from defense, foreign affairs and exchange (Choudhury, 1969: 72). The trouble of securing agreement over the quantum of sovereignty to be given to units was not particularly confined to Pakistan only as an important value of federation, but also as a pattern of allocation of powers among the center and federating units; although many federal states face the problem. The dilemma in the case of Pakistan, however, became extraordinarily confusing due to the geographic non-contiguity and sharp racial, linguistic and financial disparities among diverse provinces. Furthermore, the question of sovereignty is related to nation building (huge nation state or plural model), where dissimilar sub-national identities could be dually distinguished and accommodated.

The discussion on the question of independence both outside and inside the assemblies reproduced the deep-rooted feelings of distrust, and lack of confidence prevailed amongst the leaders of the 2 wings. In demanding constitutional protections for East Pakistan, the history of the past breakdown of this government in raising East Pakistan was maintained. Certain measures were taken through the constitution to make sure that the East Wing (Bengal) was provided appropriate prerogatives and deserved funds. Also, these measures ensured that the West Wing was not handed over to those cruel personnel who were in charge of the allocation of states and resources (The Constituent Assembly Debates, 1956). They felt that due to geographic partition of the 2 wings, it would be advisable to let East Pakistan be managed by the legislature in Dacca instead of the federal legislature in Karachi (Capital) (The Constituent Assembly Debates, 1954).

The political organizers from West Pakistan (mostly from the Punjabi Areas) who favored a strong center also made their case on the basis of geographic non-contiguity, linguistic and racial disparities. They declared that only a central government equipped with important

powers could be capable to join different communities into a single nation. They considered that the gap among the 2 wings of the state which resulted from geographic social economic dissimilarities could only be bridged by creating a strong central power. It was argued that if it there had been geographic contiguity between the 2 parts of the state, then the principle of decentralization of powers might have become the basis of the constitution of Pakistan. However, in sight of geographic spaces, linguistic and cultural diversities, there was no alternative but to provide for a strong federal government to advance national integration (Choudhury, 1967). A huge number of leaders from the minor units in West Pakistan though not very much vocal at the time were also opposed to a strong center. They too had feelings that they had been ignored and were given sufficient identification in the federation. They apprehended that any increase in the powers of the center would improve the influence of the Punjab in state's politics. Consensus was developed over the distribution of authority between federal governments and federating units after an elongated discussion.

The last statement of BPC of the first Constituent Assembly offered 3 lists (federal, provincial and concurrent). The residuary authorities were awarded to the Head of the State, who after consulting the regional government might direct any government (central or regional) to work out the authorities, not mentioned in any of the three lists. Distribution of fiscal powers between the federal government and component units were not recommended by that report (Basic Principle Committee). Supplementary report with regards to financial provisions and such other important issues which may be found striking will be presented to the parliament when consensus on the issues developed (Ali, 1996).

The second Constituent Assembly, which created the 1956 Constitution, could not overlook the demand for greater regional sovereignty and a few changes were made in the last statement made by the 1st Constituent Assembly. Some powers were transferred to the provincial list. A number of important federal subjects such as manufacturing, railways, agriculture, industry and trade of opium were transferred to the provincial list. On the other hand, these allowances did not change the balance; it remained greatly inclined in favour of the center.

### **The linguistic disagreements**

Another constitutional matter, which became a basis of complications between East and West Pakistan, was that of national language. Pakistan is a multi-lingual country. Bengali was the language of Pakistan, which was spoken and understood by the majority of the people in the province. West Pakistan was linguistically a



heterogeneous unit. There were a number of languages spoken such as Punjabi, Sindhi, Pashto and Baluchi. Urdu was not the language of any particular area, but a common language throughout West Pakistan.

Before independence, the All India Muslim League leaders coming from all provinces normally used Urdu as a means of communication and relation. It had generally been admitted that Urdu would not be the national language of Pakistan (Ali, 1996: 70). After freedom, in more than one occasion, they showed their strong confidence about giving Urdu the status of state language. However, Bengalis questioned this and demanded that Bengali be given the position of a national language. After partition in November 1947, for the first time, the demand for Bengali to be one of the national languages came up. The delegation of East Pakistan, who attended the first educational conference of Pakistan held in Karachi (Capital of Pakistan at that time), denounced the Urdu to be the sole national language (Haseen, 1994). However, the matter took a severe twist, when in February 1948, Mr. D.N. Dutt, a Hindu member from East Pakistan moved an amendment to the Assembly rules for permitting the members to talk in Bengali along with Urdu and English on the Assembly level. The move, however, was met with strong hostility. It was claimed that it was an attempt to make a gap among people of Pakistan. Prime Minister Liaquat Ali Khan remarked that the aim behind this tactic was to a large extent deprive Muslims from that connecting mediator which can be accomplished through common language (The Constituent Assembly of Pakistan Debates, 1948: 121). He also added that Pakistan came into being due to the desire of hundred million Muslims. It is vital to have one language as a Nation and it can only be Urdu and no other language can become a National language (The Constituent Assembly of Pakistan Debates, 1948: 16-18). While refusing the demand outrightly, the center did not succeed to understand the importance and power of the issue in East Pakistan. The demand gathered an unplanned support of masses, with increase of the word that Bengali letters would not emerge on Pakistani currency notes, money orders and stamps (Zarina, 1992).

By the last part of February 1948, the disagreement intensified and conflicts took place among supporters and police. Nazimuddin, the chief minister of the province held co-operations with the supporters of the Bengali language movement, and conformity was signed for the acceptance of a declaration in the regional legislature for "making Bengali an official language and used as a means of directions at all stages in the provinces" (Ali, 1996: 63).

The Quaid-i-Azam visited Dacca in 1948 and emphasized the significance of having a single national language which could be Urdu. For the official language use of this province, the inhabitants of the province can select any language they wish. There

can, however, be only one language (that is Urdu) for communication among different provinces of the country and that language should be Urdu and cannot be another (Jamiluddin, 1964).

East Pakistan desire to have Bengali as one of the National languages and could not be satisfied by the Prime Minister's views or opinions. This movement affected the political scenario in East Pakistan (now Bangladesh), while it recommended Bengali as one of the state languages. Initially, they contended that Bengali was the language of majority of the country's population; therefore, it is their democratic right to demand the status of the state language for Bengali. Secondly, they maintained that bilingual formula would promote the goodwill and better understandings among the people of the 2 wings. The primary statement presented by BPC, which advocated Urdu as the only state language was largely condemned by the people of the region. The rejection of the central government to accommodate the Bengali language caused much hatred in East Pakistan, which witnessed massive disturbance in early 1952. A severe clash among the police and students of Dhaka University on February 21, 1952 resulted in the death of some students. This particular event assembled all political elements including the ruling party in East Pakistan to demand the recognition of Bengali as one of the state languages.

### Combined or separate electorate

The deadlock on the language matter continued for the next 2 years till May 7, 1954 when the Constituent Assembly adopted both Bengali and Urdu as the state language. The fourth problem regarding federalism was related to the scheme of the electorate. Should Pakistan adopt a combined or separate electorate? The opinion of separate electorate was launched by the British in 1909 on the demand of the Muslim leaders. In the post freedom era, the All India Muslim League was inclined towards continuing with the separate electorate. However, the question of separate or combined electorate got polarized more or less on West Pakistan - East Pakistan lines. The 1st Constituent Assembly passed a new electoral law in April 1952, which provided elections on the basis of separate electorate. Nonetheless, the move was met with accurate opposition in East Pakistan, where non-Muslim inhabitants constituted about 22% of the population of that region. The Bengali leadership freighted that through this method of separate electorate, their big non-Muslim society would be eliminated from national political majority (Jamiluddin, 1964).

The followers of separate electorate did not recognize their argument, instead they sighted the demand for a joint electorate aimed at undermining the ideological basis of Pakistan, which would strengthen the emotions of regionalism, racialism and tribalism in its body politics

(Wheeler, 1970). They argued that the separate electorates were in agreement with the 2-nation theory and refused the terrors of East Pakistani leaders that this was the device used to decrease their number of majority into minority. The 1956 constitution left this matter to be decided by the National Assembly, after ascertaining the vision of both provincial assemblies - East and West Pakistan (The Daily News Paper "Dawn", 1955).

Subsequently, two provinces supported the relevant electoral system, that is, West Pakistan supported a separate electorate and East Pakistan supported a joint electorate. So, give and take, a formula was shaped and recommended for a separate electorate in West Pakistan and a joint electorate for East Pakistan. Later on, this system was amended and the National Assembly adopted a bill in 1958, which provided a joint electorate in West Pakistan also (Inam, 1982). The conversation of the constitutional matters in the foregoing confirms that most of the factors, including geography, linguistic diversity, representation, regional sovereignty and financial disparities caused severe problems in developing a consensus in the nature and form of federalism. Given such diversity, there was an alternative to federalism because only such a system has a scope, accommodation of diversities, ventilation and adjustment of complaints caused by these factors.

Nevertheless, the ruling leaders obsessed with their desire to generate a huge nation-state were normally non-accommodative towards the major political demands from East Pakistan. The announcement of Urdu as the only official language in the face of resistance from East Pakistan and later unification of all West Pakistani administrative units into the One Unit system were the examples of this rule. The sovereigns failed to realize that invocation of Islam and references to the national feelings are not sufficient to strengthen the links of unity except that a political framework is developed reflecting the principles as well as incorporating the political realities in the polity. The incapability to develop a combined and participatory frame work for governance and political administration strengthened provincial and divisive trends, thereby raising serious presumptions on the working of federalism in Pakistan.

This study was designed with a threefold objective: (i) to explore the existing system of the country, (ii) constraint in implementation and opportunity of federalism in the country and (iii) to give recommendation to policy makers.

## LITERATURE REVIEW

According to Basil (2006), those fifty eight years of 'melting pot' approach to nationalism has resulted in separatism, secession, provincialism and a sense of threat from an aggressive state apparatus. Pakistan desires federalism drenched in the colures of realism, not

ancient mythology. It is striking and extremely questionable as to why the opinions of key Pakistani figures, including Quaid-e-Azam Mohammad Ali Jinnah, have been sidelined in order to affix a genre of federalism which suits none but the power-starved of this nation.

Anonymous (2005) mentioned that Muhtarma Benazir Bhutto said that the survival of the country and the federation lies in constitutional rule (federalism), democracy and provincial autonomy for the provinces and economic opportunity for the people.

Mohammad (2006) quoted the words of Lincoln about federalism, "it is not possible for one state by itself, to decide to leave the Union. I therefore, consider that in view of the constitution and the laws, the Unions are unbroken". These words were spoken by Abraham Lincoln in his inaugural speech as President of a divided nation on March 4, 1861.

Anonymous (2002) argued that federalism pre-supposes pluralism and coexistence in a number and spirit, so that party interests do not come into clash with those of the nation or of democracy itself. There is no room for unilateralism or a maxim list approach in a federal scheme of things. Whatever the political make-up of one government, the other foremost realizes that they have to work with it because, like them, it too represents the people's will. Similarly, any attempt by the federal government to unfairly obstruct a provincial regime of another part or alliance, or to try to topple it by unconstitutional means would be suicidal for both federalism and democracy.

Pathan (2006) opines "Benazir Bhutto said that the PPP believes Islam is our religion, democracy is our politics, social democracy is our economics and all power in this world rests with the people". She said that the Quaid-e-Azam sacrificed his life for the sake of federalism, democracy and egalitarianism as well as for the people.

Khokar (2005) said that federalism in Pakistan is a system in which there is a government within the government that is both dependent on each other. Federalism caters for cultural pluralism and is based on respect for regional identities. However, the beauty of the system is that central and provincial interests continue to clash due to cultural diversification. The Kalabagh dem, payment of royalties on crude oil and surcharge on natural gas, allocation of net proceeds of taxes, lack of development and social work in Sindh, Baluchistan and NWFP (now KPK) remain issues that are continuously discussed. Government is ensuring provincial harmony by removing "genuine grievances" of smaller provinces. President General Pervez Musharraf has said that provinces will increase autonomy and a fair distribution of resources in the new national finance commission (NFC) award. Talking about dams, the NWFP (now Khyber Pukhtoon Khawa) would have faced huge floods supposing there had been a Kalabagh dam. The government is spending Rs: 166 rupees on resolving the issue

of water shortage.

Anonymous (2005), an author of Democratic Federalism, aims to unite autonomous organizations, each of which is sovereign within its own sphere, in that no part can be bound by the decisions of other autonomous organizations. Each is free to move in the same direction or in different directions. The aim of the alliance is to assist these sovereign component parts to co-ordinate, co-operate and merge their actions into one. All autonomous organizations must commit themselves to strive for voluntary unity. Autonomous affiliates acting independently are not desirable. What is needed is unity action, but federalism means that unity in action is voluntary and not imposed. No disciplinary action can be taken when unity in action is not achieved, but the weapon of criticism remains open to the majority and minority. Democratic federalism allows for disunity, without this in itself causing splits or explosions.

Ali (1996) prescribed that the federal system in Pakistan appeared to be the only possible mechanism for maintaining equilibrium between the conflicting pressure for unity and diversity. The pressures have been the product of certain factors: geographical, culture and linguistic, historical, religion and military. The choice and the working of federalism in Pakistan were influenced by these factors which are discussed. No form of government other than federalism seemed to have a practical view of the geographical separation of East (now Bangladesh) and West Pakistan (now Pakistan) by a distance of 1100 miles. Besides the geographical distance, there existed ethnic and linguistic differences between the people of the two parts. The choice of federation was also the product of history. The common religion also induced the Muslim of Pakistan to be united under one general government to order their lives in accordance with the principles of Islam. A federal solution seemed appropriate in the presence of perceived military in security from India. In the light of the preceding discussion, it may be that federalism in Pakistan was a product of conflicting pressures of unity and diversity. Under the circumstances, the existence of federalism in Pakistan federation could be considered as the only possible compromise between the forces of integration and separation.

Husain (2006) discussed that in the view of constitutional theories, the state of federalism in Pakistan can best be described as "centralized federalism (not to be confused with a unitary state). It is felt that all the aforementioned areas between the centre and the federating units are the results of this odd concoction of federalism which, as the bitter lesson of the past, has miserably failed to appreciate the plurality and diversity of the land. Indeed, let alone the country as a whole, not of its four provinces in monolith. In Punjab, there are Seraiki, and potoharis in addition to the mainstream Punjabis. The NWFP (now KPK) is home to Pukhtoons and Hazaras. Baluchistan comprises pockets of

Pukhtoons, Baruhi and Baluchi, while in Sindh there are Sindhis and Mohajirs (New Sindhis). They all come together in a federal structure to form the picture of a united Pakistan, but they do not abnegate themselves to do so. To expect Pukhtoons, Seraiki, Baluchis, Sindhis, or Mohajirs, to abjure themselves is to take away the beauty of plurality from the land. The time has come to give a serious thought to the issue of federalism, and to desire a new durable federal structure that could ensure both national unity and territorial integrity.

Hugo and Rudolph (1661) was the first to distinguish confederation based on alliances, decentralized unity states such as the Roman Empire and federation, characterized by bauble government with territorial division of powers.

Hume (1882) disagreed with others, because he was in the opinion that the smaller a size the better it was. Instead, "in large democracy, there is compass and enough rooms to refine democracy" in the idea of a perfect commonwealth. He further recommended a federal arrangement for deliberation of laws involving both sub unit and central legislature. Sub-unit enjoys powers and partakes in central decisions, but their laws and court judgments can always be overruled by the central bodies, hence it seems that Hume's model is not federal as the term is used here. He held that such a numerous and geographically large system would do better than small cities or provinces in preventing decisions based on intrigue, prejudice or passion against public interest.

Golam (1988), in Pakistan, sought to achieve national unity and integration by offering federal solution to a geographically unique country, but the federal solution was not adequate to prevent the ultimate separation of the two wings of the country in 1973. Even after the emergence of Bangladesh, the 1973 constitution of Pakistan opted for a federal system. At the time of framing the 1973 constitution, it was pointed out that Pakistan has to have a federal structure. There are different scripts, languages, habits and economies which slightly vary. Pakistan therefore continued the federal form of government ensuring autonomy in consonance with one united Pakistan under the 1973 constitution.

Rahim Tariq (1999) examined the threat to federalism in Pakistan and focuses on a particular aspect of it, which is the role of language as a symbol of ethnic identity. It begins with the Bengali movement (1948 and 1951) which asserted itself against the perceived domination of the West Pakistani ruling elite over that of East Pakistan at that time. In West Pakistan, language was used to mobilize Sindhi, Pashtun and Seraiki identities. All of these movements offered resistance to the hegemony of the centre. In Sindh, the resistance of such a case however was more to the Urdu speaking immigrants (Mohajirs) who had came to dominate the urban areas of that province. In Balochistan, military took predominance over language as a means of resistance because of the



lack of a viable educated intelligentsia in the province.

Kumar (1991) has mentioned that it is necessary to understand this background of ideological foundation of the Indian republic; the concepts of which are: secularism, federalism, democracy, and a mixed economy that evolved during the course of the freedom.

India is truly a multi-cultural, multi-lingual and multi-religious, that is, a magnificent, plural country. In a real sense, it is the first "melting pot" of cultures in the world. The freedom movement was a mass movement, in which people from all religions, castes, sects, provinces and language groups participated. Mahatma Gandhi could not have woven this fantastic fabric without a secular, conceptual framework. The mosaic of India has survived because of this secular foundation. That religion cannot hold a country together as it has been seen and proven in the case of Bangladesh, which was part of Pakistan, where Islam could not keep the unity of Pakistan. Even today, the centrifugal tendencies in highly centralized states have failed or run into serious trouble, almost everywhere and especially in the developing world. How much provincial autonomy will it give to Pakistan? A radical answer appeared in Sheikh Mujib-urehman's "Six Point" agenda which would have converted Pakistan into a confederation. The Centre, under his plan, would have partial charge of defense, foreign affairs, currency and a couple of other matters. One of the more serious impediments to provincial autonomy in Pakistan has always been the central control over civil servants and police officers occupying key positions in provincial governments. Centralization is the first cousin of authoritarianism both of which spill over into the entire political system. For instance, political parties in Pakistan are also centralized. Just as the central government can dismiss a provincial government, the central organ of a political party can dismiss or suspend its officers and councils at the provincial level. Federalism will not work in government unless its core idea of decentralization is carried over to political parties and other organs of civil society. Lastly, federalism is inextricably linked with democracy, which requires the powers that be to let their adversaries do their political work unhindered, but the "powers that be" in the highly centralized state of Pakistan have never allowed their opponents to function in peace and freedom. Nonetheless, in Pakistan, democracy, decentralization and federalism go together.

Ishtiaq (2002) shed light on the role a particular historical event can play in conferring legitimacy to the politics of communal and national animosities and hostilities. The partition of India in 1947 was, on the one hand, a gory consummation of a long process of mutual demonizing and dehumanizing by Hindu and Muslim extremists; while on the other hand, in the post-independence era, it became a model of violent conflict resolution invoked and emulated by ethnic and religious extremists and the hawkish establishment of India and Pakistan. The partition of India epitomizes the politics of

identity in most of its negative form, such that instead of trust and understanding to be undermined, fear and insecurity were ultimately generated against different levels of the state and society. In the process, a pathological, socio-political system comes into being. It shows how such a system functions within the domestic sphere as well as in India-Pakistan interaction.

Mir (2006) argued that it is not possible for one state, by itself, to decide to leave the union. Political strife, leading to secession attempts, is not new to our part of the world. India is dealing with many, so is Sri Lanka, and Nepal is trying to overcome Maoist Rebels for years. Even largely, mono-cultural countries like China and Afghanistan are not immune to the phenomenon. As for Pakistan, Bangladesh is a living proof. Constitutionally, Pakistan is a federal republic that comprised four provinces, and about three federally administrated areas. The Federally assisted Azad Jammu and Kashmir is a partly autonomous unit which draws financial, military, technical and moral support from the federation. In a nutshell, our country's constitutional history starts from the interim constitution of 1947 based on the government act of 1935, the constitution of 1956 formulated by the constituent assembly specifically created for the purpose, the constitution of 1962 imposed by General Ayub Khan, and the 1973 constitution drafted after the secession of East Pakistan (now Bangladesh). The 1973 constitution, which is a blend of an independent judiciary, federalism and the parliamentary form of government, mashed with Islamic provisions, has since been amended and suspended quite a few times by different civilian and military regimes, threatening the unity and integrity of Pakistan. India is a Federal Republic, because it wants to respect the various peoples within the country, having different cultures.

## METHODOLOGY

### Fieldwork

Cross sectional and longitudinal data were collected through a survey of federalism. During data collection, emphasis was given to identify federalism.

### Cross sectional data collection

Schedules were designed to collect different information on federalism by interviewing. The interview schedules were written in English but questions were asked in the local/national/English language from the respondents. The interview schedules were pre-tested before the formal survey. Respondents were assured absolute privacy and the interviews were held in places of their choice. They were assured that the research was not related to any Government agency and information would be used for academic purposes only. Most of the interviews were held at the home or in the office of interviewers. The interview was usually started with an introduction about the background of the researchers, the objectives of the study and the way in which the respondent was

**Table 1.** Sample distribution of respondents in the target area (Pakistan).

Characteristics	Frequency	% of respondent
Judge	11	17.50
Professor	9	14.30
Political scientist	10	15.90
Others (Advocate + students)	33	52.40
Total	63	100

Source: Survey results 2008.

**Table 2.** List of problems for federalism in Pakistan.

S/N	Categories	Frequency	Ranking	Percent
1	Disharmony among the provinces.	30	1	47.6
2	Corrupt leadership	15	2	23.8
3	Inequality in distribution of recourses.	8	3	12.7
4	Neglect small provinces.	6	4	9.5
5	Military interference in governmental works.	3	5	4.8
6	Provinces should be autonomous.	1	6	1.6
<b>Total</b>	-----	63	-----	100

Source: survey 2008.

chosen. A short questionnaire was designed (Appendix-A) in such a way to cover comprehensively all the relevant information needed for the study. Schedules were designed for interviewing professional to collect different information on federalism. A survey schedule was developed in the light of findings of the informal survey. The formal survey was conducted during May to November 2008. A well designed and pre-tested survey schedule was used to collect the information regarding socio-economic characteristics and other characteristics of the sample respondents. In total (n=63), respondents were interviewed from the target area. The distributions of the sampled respondents are presented in Table 1. Majority of the sampled respondents were advocate plus students (52.40%), followed by judge (17.50%), political scientists (about 16%) and professors (14.30%), interviewed from different locations of the country respectively. The data were thoroughly edited and entered into the computer using SPSS Software.

## RESULTS AND DISCUSSION

Disharmony among the provinces is the major problem followed by corrupt leadership in the country. When the interviewers asked about this question, about 48% of the respondents claimed the first problem listed in Table 1, while thirteen percent claimed the second constraints in the target areas. Inequality distribution of resources ranked third as reported by 13% of the respondents. Beside this, about more than 16% of the respondents noted that federal government neglected small provinces, and that military interference in government works and province should be autonomous respectively as demonstrated in Table 2. The respondents discussed that the massive upsurge of the ethnic movements in Pakistan is a major destabilizing factor for country's political,

economic and social order. Pakistan lost its Eastern wing on account of ethnic antagonism. The forces of ethnicity were the most potent factor in the parting of the ways, in that just 54% of the population are saying enough is enough, we do not want to live with you all. This is more dangerous for federalism. The respondents further mentioned that in Pakistan, due to the ethnic differences in Pathan, Punjabi, Sindhi and Balochi, they are more concerned with their regional identity rather than being Pakistanis. Beside this unequal distribution of assets by the federal government which bring more tension and problems in the target area, poverty and social issues make federalism weaker. Establishment of every time is not taking effective steps to make this system strong and effective. Both houses (Upper and Lower chamber) have a very weak position in constitution making in the survey region, due to which federalism faces too much problems in the country. There is no harmony among the provinces; the corrupt leadership destroys all the system of Pakistan. All the policies were prepared by Punjabis, because they make up 60% of the federally populated area of Pakistan. The whole system of the government of Pakistan under the domination of Punjabis, due to which the remaining three provinces were always in big problems, has to do with the fact that federalism is always in a hanging position. Ironically speaking, in all constitution of Pakistan, the word "Federal" is present, but there is no federal system or federalism in Pakistan. In such a way in the constitution of India, the word "Federal" is not mentioned, but in India there is a proper federal system and strong federalism too. The main

**Table 3.** Solution for the problems encountered by federalism in Pakistan

S/N	Categories	Frequency	Ranking	Percent
1	Check and balance on the whole system.	30	1	46.0
2	Funds should be distributed equally.	15	2	20.6
3	Promote provincial harmony.	8	3	14.3
4	Military should be separated from the politics.	6	4	9.5
5	All provinces should be autonomous.	3	5	6.3
6	Provinces should be autonomous.	1	6	6.3
<b>Total</b>	-----	63	-----	100

Source: survey 2008

reason is that in India, from 1947, there has been no single government of dictator, but in Pakistan, military has ruled four or five times from the beginning. The very small portion of democracy has been enjoyed by the peoples of Pakistan. As we know that democracy and federalism always goes side by side, democracy is always for federalism. The army government always got the government on the name of Islam, but they always showed a corrupt nature at the end of their governments. Due to this, India captured a large number of army in 1971 war in the government of General Yahya Khan, an army dictator, but President Ayub Khan managed the government in proper ways, as the whole world see him as an Asian General De Gaulle. His democracy was the most popular in the history of Pakistan. The water crisis was also a big problem in Pakistan for federalism. The severe water storage has recently rocked the country to create a worst ever drought and dry spell. The situation is more serious than it has been reflected in the government policies and statements. The dispute between the provinces over water distribution could blow into regional conflict.

Check and balance on the whole system ranked first, followed by equal distribution of funds, promotion of provincial harmony, military should be separated from the politics, all provinces should be autonomous and every federal state should be strengthened as claimed by 46, 20.60, 13.30, 9.50 and 6.30, respectively as indicated in Table 3 in the target area. Moreover, the respondents reported strong leadership apart from all prejudices and differences, and peaceful co-relation among provinces by joint projects for a better Pakistan. In crisis situation, all provinces should understand the problems of others and show their utmost capacity to solve the issue. The spirit of nationalism should be increased among individuals. The "check and balance system" should be implemented in all departments of the state. There is no discrimination among the subjects of the target area (Pakistan). In Pakistan, the policies of free enterprise, private investment and privatization of state enterprises, especially under the military regime, resulted in concentration of wealth in the hands of few people. Due to economic disparities to the disadvantages of smaller provinces

(Baluchistan, KPK and Sindh) the number of poor people increased. The disregard for constitutional means in the issue may cause further strains on the federation. Given Pakistan's political history, regional and ethnic diversities and a relatively developed regional consciousness and identity of federalism with autonomy to the provinces remain the only viable option for addressing political, economic and administrative issues. There is a need to move in the direction of democracy, fair and free election, provincial autonomy, balance distribution of assets among the provinces on the basis of needs, because autonomous and strong provinces mean a strong Pakistan.

The respondents further discussed that another institution for inter-provincial coordination and conflict management is the council of common interest which has not been met for years. Undue delay in resolving financial and administrative affairs accentuate distrust among provinces and federal government. Facing economic crunch, each province is advocating a formula for distribution of funds in federal divisible pool that serves its interest. A multi factor formula is likely to be adopted for the NFC (National Finance Commission) award, but the provinces and the federal government have not been able to agree on its details. Two other big issues need immediate attention: the KPK's demand for its due share of the net profit by hydro power generated in that province and Baluchistan's demand for increase gas royalty. If we also solve these problems, then it will give birth to a proper federal state of Pakistan with real federalism.

## CONCLUSION AND RECOMMENDATIONS

The average age, education and professional experience were 34, 17 and 12 years respectively. Sixty two percent of the respondents coded the 1973 constitution as a consensus based constitution, because the constitution was more valuable among all constitutions and it was the only constitution by which they were more inspired, while 38% of the respondents were of the opinion that it was more authentic and explanatory, framed to the standard



of Islam, awarded full autonomy, and that undue amendments of civil and military rule for state and criminals should be punished, because it was constituted by national assembly of Pakistan during Z.A Bhutto regime (The late prime minister of Pakistan). The federalism can improve the political, economical and foreign relation with other countries as 61% of the respondents claimed, followed by 20% which claimed that it is the outcome of external and internal force for securing state interest, while a very small portion of about 6% were thinking that Federalism cannot improve the foreign policy. The remaining respondents stated that federalism was more authentic (3.2%) and it was the main factor for the development of the country.

Disharmony among the provinces and corrupt leadership in the country were the major problems. Beside this, inequality distribution of resources by the central government was the second major constraint faced by the country, which heddle in the implementation of federalism. As a result of this, the federal government neglected small provinces. The military interference in government works played the sever role in the failure of federalism in the country, so it was recommended that provinces must be autonomous for smooth running of federalism in the country. There were other causes of failure of federalism in Pakistan which are: ethnic differences in Pathan, Punjabi, Sindhi and Balochi, in that they were more concerned with their regional identity rather than being Pakistans. Beside this, unequal distribution of assets by the federal government brought more tension and problems in the region. Poverty and social issues made federalism weaker. Establishment of every time did not take effective steps to make this system strong and effective. However, both houses (Upper and Lower chambers) have a very weak position in constitution making in the survey region (Pakistan), due to which federalism faces too much problems in the state. There is no harmony among the provinces; as such, the corrupt leadership destroys all the system of the Pakistan.

In response to the question of if imbalance distribution of budget affects federalism, the respondents have different opinions. About 35% of the respondents were of the opinion that there should be equal distribution to all provinces, taxation should be decentralized and autonomy should be provided to the provinces, if all the political leaders play a good and effective role for this purpose. The fiscal budget of Pakistan was also mentioned by the respondents ironically. In the budget, the government issues 75% of the budget every fiscal year for defense purposes, and the remaining 25% for the whole infrastructure of the state. Within this, Punjab gets 60%, Sindh 23%, Khyber Pukhtun Khwa 13% and Baluchistan 5%. So due to huge populated area big amount of budget is going to Punjab as compared to other provinces. These imbalance distributions create more tension and give birth to so many issues in the country which damage

the system of federalism in Pakistan. For economic prosperity due to federalism, forty percent claimed that it is highly important, while the remaining 60% show concern about important, less important and not important, respectively, because Pakistan is a small country and federalism is very much important in big states. Internal barriers are important as told by 29%. Twenty seven percent claimed highly important, while the remaining 44% reported not important and less important.

Equal distributions of power among provinces are also solved among some big issues automatically. With less amount of taxes, if federal government provides to the provinces, then they will get more progress and prosperity in every field, such as: education, health, water management, electricity, etc. Some provinces provide different facilities such as electricity, minerals and gas to the federal government; thus, if they get proper entitlement, then it will bring more prosperity in the target region. Beside, this federalism which has established inter-subunit trade agreement as about 43% has been reported to be important and the remaining 57% have claimed it to be highly important, not important and less important respectively. Federalism becoming a sufficient large global player was reported by thirty-six percent as highly important, while 64% mentioned that it was important, not important and less important respectively. Beside, the respondents reported this federalism effect of the international trade region which is claimed by a high percentage as important. The remaining 14, 22 and 25% claimed not important, less important and highly important, respectively.

When the respondents were asked if federalism protect the individuals against provincial authority, minorities and human rights, about 48% reported minorities plus human right against provincial authority, while the remaining 52% reported individuals against provincial authority, minorities etc. Federation promote co-operation with subunits as indicated by about 89% of the respondents. Federalism promotes justice as high percentage of respondents responded to it. The respondents thought that there is no impact on the federal system times' injustice, because of leadership influence. Leadership provides much privilege to its favorite provinces. This resulted in the imbalance distribution of budget to other provinces. The position of federalism in Pakistan is very weak as reported by 86% of the respondents. This was due to uncertainty, law and order situation of the country.

In the other side, a very small percentage of respondents claimed that the position of federalism in Pakistan is very strong; this claim was correct in constitution and in reality. The respondents thought that due to many reasons, the position of federalism is weak in Pakistan, for example the big gap in leadership, less literacy rate, less educated leaders, unawareness of people to democracy, and imbalance of distribution of powers to the provinces. The unity of the people always brings democracy and it leads to true federalism in Pakistan

without any problem or tension. Federalism can not justify the collection of taxes in our country, because majority of the people are not paying taxes. The respondents claimed that this is a core problem of Pakistan, in that it has a very weak system of taxation. This major problem led to other sub-problems. Taxes are not properly collected; and the beauracracy involved in this department is corrupted. The government of Pakistan is not serious till now, but there will be a day when it will take a dangerous position. At that time, Pakistan will have no power to cure this problem.

If federalism is stabilized in Pakistan, it gives more autonomy to the provinces. More than 90% of the respondents have positive response. They said that if we stabilized federalism in a proper way in Pakistan, then it will be more powerful and stabilized to all provinces of our country. The government always manages huge privileges to the big province as compared to the small one. If the government makes the provinces all in all in their internal works, then the tension among the provinces will be overcome. Automatically, it becomes stabilized and get full autonomy from the centre in the target region. In particular, it will give power to provincial infrastructure, and sub-units will do their work properly without the interference of the Federal Ministers in the centre, which brings more prosperity and integration among the provinces in the survey area. Pakistan has weak federalism, so the role of this system is also very weak as mentioned by more than 80% of the respondents during the current survey, but still some respondents have hoped that only the federal system can bring prosperity in Pakistan. The respondents' perception of the role of federalism in Pakistan is very weak due to regional ethnicity; in that every province in the target area wants to hold onto the federal government of Pakistan. Federalism is the best system for Pakistan, if it is maintained in a proper way.

Disharmony among the provinces is the major problem followed by corrupt leadership in the country. Inequality distribution of resources ranked third as mentioned by 13% of the respondents. Beside this, more than 16% of the respondents noted that the federal government neglected small provinces, and that military interference in government works and province should be autonomous respectively. In Pakistan, due to the ethnic differences in Pathan, Punjabi, Sindhi and Balochi, the people are more concerned with their regional identity rather than being Pakistanis; this is as a result of the unequal distribution of assets by the federal government which bring more tension and problems in the target area. Poverty and social issues make federalism more weak, and establishment of every time is not taking effective steps to making this system strong and effective. However, both houses (Upper and Lower chambers) have a very weak position in the constitution.

There is no harmony in between the provinces, in that corrupt leadership destroys all the systems of Pakistan.

Check and balance on the whole system ranked first, followed by funds should be equally distributed, promotion of provincial harmony, the military should be separated from politics, all provinces should be autonomous and every federal unit should be strengthened. Also, these were followed by strong leadership apart from all prejudices and differences, and peaceful co-relation among provinces by joint projects for a better Pakistan. In crisis situation, all provinces should understand the problems of others and show their utmost capacity to solve the issue. The spirit of nationalism should be increased among individuals, and the system of check and balance should be implemented in all departments of the state. Moreover, there is no discrimination among the subjects of the target area.

In Pakistan, dictators and politicians are not responsible for any proper federalism in the country. A very small portion of the respondents (9.5%) claimed that the public is responsible for no proper federalism in the country. All the three are responsible for not implementing federalism in a proper way in the country, because the dictators did not allow any government to complete its tenure. Secondly, the politicians are corrupt and insufficient, and they are not sincere to this state of Pakistan, nor are they sincere with people. Thirdly, the people are uneducated and they give vote only on slogans and not on issues and the character of the party leaders. In response to the question of what strengthens federalism in Pakistan, the respondents have different opinions. More than 40% of the interviewers were of the opinion that 1973 constitution promotes federalism. Some of them (22%) replied that democracy always strengthens federalism in any state, because federalism and democracy always go side by side. Eleven percent of the respondents coded that no one tried to strengthen federalism in Pakistan. While 9% are of the view that sufficient powers should be given to the provinces, the remaining 8 and 7% claimed that parliament, democracy and political culture may strengthen federalism, military intervention and corrupt leaders' role in politics, respectively in the target area. Respondents further discussed that the powerful upper house (senate) should be given more strength as in the USA, where the independent judiciary and political parties play a very good role. Also, they should increase the public awareness through media mobilization about federalism implementation.

All provinces of the country are not satisfied by the federal government. On average, fifty two percent of the views of the federal government have not given autonomy to the provinces followed by 39% of the respondents who reported that because of improper distribution of resources, the provinces are not satisfied. A very small portion (8%) of the respondents has mentioned that the country has limited resources and single line policies, respectively. Regarding the failure of federalism in Pakistan, there were many reasons of

failure but some major failures are listed here: big gap in political leadership, interference of big powers, continuous military coup in Pakistan and no system of check. Federalism and democracy goes side by side in the country, but it is only possible if provincial autonomy and integration in all provinces are present if there is true democracy in the country. The remaining big percentage of respondents (44.40%) claimed that due to institutional development, supremacy of constitution, separation of powers and new small provinces, federalism is weak in Pakistan and continuous military intervention has innervated the growth of democracy. Islam dealt with federalism in Pakistan because more than 90% of the respondents have claimed and reported that federalism always dealt with Islam in Pakistan since federalism and Islam gave a lesson of equality and brotherhood. It is concluded that due to federalism in the country, there is more integration among all provinces/small units as 100% of the respondents claimed. When there is more integration among provinces then it would bring more prosperity, harmony and development in the country. Lastly, the following are recommended: check and balance on the whole system, funds should be equally distributed, promotion of provincial harmony, military should be separated from politics, all provinces should be autonomous and every federal government should be strengthened. Moreover, there is strong leadership apart from all prejudices and differences, as well as peaceful co-relation among provinces by joint projects for a better Pakistan. In crisis situation, all provinces should understand the problems of others and show their utmost capacity to solve the issue. The spirit of nationalism should be increased among individuals, and the system of check and balance should be implemented in all departments of the state. However, there should be no discrimination among the subjects of the target area.

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**Appendix A**

1. Interviewer Name.....  
 2. Age of Respondent (Years).....  
 3. Education (years of Schooling).....  
 4. Profession of respondent.....

Judge	Professor	Political Scientist	Others

5. Professional Experience (Years)

6. Social Work Experience (Years)

7. Do you know about Federalism.....



8. Do you know about the various constitution of  Pakistan?.....

(a) Why is it that the constitutions do not lose their validity and quality up to  date?

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(b) What are the effects of federalism on the foreign policy of Pakistan?

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(c) In what way can we control the imbalance distribution of budget in between provinces through Federalism? Please comments.

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9. How would you categorize federalism? Please Mark the appropriate Boxes.

	0	1	2	3
i. Promote economic Prosperity.....				
ii. Removing Internal Barriers.....				
iii. Establishing Inter-sub-units trade agreement.....				
iv. Becoming a sufficient large global player.....				
v. To affect international trade regions.....				

Note: 0= Not Important, 1=Less Important, 2=Important, 3=highly Important

10. Does Federalism protect? Tick or Cross

i. Individuals against provincial authorities.

☐

ii. Minorities.

☐

iii. Human rights against provincial authorities.

11. Does Federation promote co-operation with sub- Units?

If No, then reason, if yes then please comment.




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12. Does Federalism promote justice?

If No, then reason, if yes then please comment.




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13. What is the position of Federalism in Pakistan?

Weak

Strong

None

<input type="text"/>	<input type="text"/>	<input type="text"/>
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14. Do you justify the collection of taxes in the government of Pakistan?

If No, then reason, if yes then please comment.

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15. If federalism is stabilized, will it give autonomy to provinces?

If No, then reason, if yes then please comment.




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16. If the provinces are autonomous, would it bring integration among the provinces?

If No, then reason, if yes then please comment.




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17. What is the Role of Federalism in Pakistan?

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18. Please List Problems for Federalism in Pakistan.

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19. Please suggest solutions for the problems encountered by Federalism in Pakistan.

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20. If we have no proper Federalism in Pakistan, who is responsible for this?

Dictators	Politician	Public

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21. Who strengthen federalism in Pakistan?

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22. Why are the provinces not satisfied with the Federal government?

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23. Why did Federalism fail to get the best standard in Pakistan as compared to the other states of the world Like Australia, Canada, India, USA, etc?

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24. Democracy and Federalism go together. Do you think there is no proper federalism in Pakistan? How could it be established?

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25. Does Islam deal with Federalism?

☐ Yes

☐ No

**Please Comment**

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26. If there is more integration among the provinces, will there be more development in Pakistan?  
If No, then reason, if yes then please comment.

☐ Yes☐ No

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**SUGGESTION FOR THE IMPROVEMENT OF FEDERALISM**

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**Signature of Interviewer**

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